

No. 9/5/884-6Lab/341.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s National Dairy Research Institute, Karnal.

BEFORE SHRI R. N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 130/1982

between

SHRI LACHHMAN, WORKMAN AND THE MANAGEMENT OF M/S NATIONAL DAIRY RESEARCH INSTITUTE, KARNAL

Present :

Shri Jai Pal Singh, for the workman.

Shri Raj Kumar, for the Management.

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between Shri Lachhman, workman and the Management of M/s National Dairy Research Institute, Karnal, to this Tribunal, for adjudication :—

Whether the termination of service of Shri Lachhman was justified and in order ? If not, to what relief is he entitled ?

2. Notices were issued to both the parties. The demand notice dated 2nd September, 1981, was treated as claim statement in which it was alleged that claimant was employed as Attendant Mazdoor in State Section of the National Dairy Research Institute, Karnal,—*vide* letter dated 20th July, 1980 and rendered meritorious services. It was then alleged that the services of the claimant were terminated by the respondent,—*vide* letter dated 9th July, 1980 without giving any show cause notice or serving any charge-sheet, which was against the rules of natural justice and as such the claimant was entitled to reinstatement with full back wages.

3. The respondent in their written statement filed on 13th July, 1980 pleaded *inter alia* that the respondent institute was not an industry as defined in the Industrial Disputes Act, 1947 nor the claimant was a workman. It was further pleaded that the services of the claimant were terminated on account of misbehaviour etc., the details of which were given in the written statement.

4. The claimant in his replication dated 16th November, 1982, reiterated the pleas taken in the demand notice (Claim statement).

5. A preliminary objection has been raised by the respondent to the effect that respondent is at Research Station of the Indian Council of Agricultural Research, Krishi Bhawan, New Delhi which is under the control of the Ministry of Agriculture, Government of India and that the respondent institute functions under the authority of the Central Government and that the appropriate Government competent to deal with any industrial dispute is only the Central Government and as such the reference made by the Haryana Government is bad in law. It has been argued that Indian Council of Agricultural Research is an autonomous body and was financed by the Government of India. In para No. 6 of the appointment letter, it is mentioned that the appointment may be terminated without assigning any reason by one month notice on either side under Rule 5 of the Central Civil Service (Temporary Service) Employees Rules, 1965 as applicable *mutatis mutandis* to the employees of the Council. Rule 2-A of the rules of Indian Council of Agricultural Research lays down that the expression "Society" means the Indian Council of Agricultural Research, a Society registered under the Societies' Registration Act, 1850. Reliance has been placed on the award dated 29th October, 1982, passed by the Presiding Officer, Labour Court, Maduri, in which it was held that the Central Tobacco Research Institute Research Station, Vedasandur was being run under the authority of the Government of India and that the appropriate Government would be the Central Government to make any reference under the Industrial Disputes Act, 1947. It may be mentioned that according to the latest amendment in the Industrial Disputes Act, 1947 which came into force on 21st March, 1984, the Scientific Research or Training Institutes have been excluded from this scope of the expression 'industry' as defined in Section 2-A of the Industrial Disputes Act, 1947. The present dispute between the parties however arose prior to the coming into force of this amendment inasmuch as reference was made

in the year 1982. Therefore, the preliminary objection raised by the respondent prevails and it is held that the reference made by the Haryana Government is not proper and as such this Tribunal has no jurisdiction to decide the present reference. The award is passed accordingly.

Dated the 9th January, 1985.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endorsement No. 52, dated the 10th January, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 2nd February, 1985

No. 9/5/84-6 Lab/708.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Kailash Chand Madan Mohan, G.T. Road, Panipat (Haryana).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER,
LABOUR COURT, AMBALA AT AMBALA CITY

Reference No. 84 of 1984

between

SHRI JAGDISH CHAND, WORKMAN AND THE MANAGEMENT OF M/S KAILASH CHAND
MADAN MOHAN, G.T. ROAD, PANIPAT (HARYANA)

Present:

Shri D. P. Pathak for applicant.
None for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—*vide* clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute between Shri Jagdish Chand, workman and the management of M/s Kailash Chand Madan Mohan, G.T. Road, Panipat (Haryana). The terms of reference are as under :—

Whether the termination of services of Shri Jagdish Chand, workman, was justified and in order ?
If not, to what relief is he entitled to ?

Jagdish Chand workman has alleged that he had been in the service of respondent for a period of 2 years @ Rs. 450 p. m., but his services were terminated by the respondent illegally on 30th June, 1983. Respondent was served, in spite of service, none appeared for respondent, so respondent were proceeded *ex parte*.

Shri Jagdish Chand examined himself in *ex parte* evidence supported his claim. He stated that he was not given any appointment letter. He got injury in his back-bone. He was admitted in Hospital on 14th February, 1983 and was discharged from there in March, 1983. He went to respondent on 30th June, 1983, but he was not allowed to attend the work nor any compensation towards the retrenchment of his service was given to him. His services were illegally terminated.

I have heard the applicant in person and perused oral and documentary evidence and think that respondent Messrs Kailash Chand Madan Mohan, G.T. Road, Panipat was properly served, in spite of service, respondent did not appear to contest the claim of the applicant workman. An *ex parte* proceedings were taken up against the respondent.

Statement of Shri Jagdish Chand workman goes un-challenged. There is nothing on the file to disbelieve him. So I order that applicant Shri Jagdish Chand be re-instated from the date of his termination, i.e., 30th June, 1983 and he be given his pay and all other benefits to which he would have been entitled in ordinary course being in service. I passed my *ex parte* award regarding the dispute in hand accordingly.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court,
Ambala.

Dated the 11th January, 1985.

Endst. No. 224, dated Ambala City, the 22nd January, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court,
Ambala.

No. 9/5/84-6Lab/709.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala in respect of the dispute between the workman and the management of M/s Micro Teknic, 4460, D.C. Road, Ambala Cantt. (Haryana):

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,
AMBALA

Ref. No. 113 of 1984 (Old No. 81 of 1983)

SHRI SIRI RAM WORKMAN AND THE MANAGEMENT OF M/S MICRO TEKNIC, 4460,
D. C. ROAD, AMBALA CANTT. (HARYANA)

Present:

Shri Siri Ram workman in person.

Nemo for respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred,—*vide* clause (d) of sub-section 10 of the Industrial Disputes Act, 1947, referred the following dispute to the Presiding Officer, Labour Court, Faridabad between Shri Siri Ram workman and the management of Messrs Micro Teknik, 4460, D.C. Road, Ambala Cantt. The terms of reference are as under :—

Whether the termination of services of Shri Siri Ram, workman, was justified and in order ?
If not, to what relief is he entitled to ?

Workman Siri Ram averred in his statement of claim that he remained in the employment of respondent for about 2 years i.e. 16th August, 1982. He used to get Rs. 470 per mensem. Respondent terminated his services on 17th August, 1982 without any reason, illegally and in arbitrary manner. Hence the reference is.

Respondent was served, in spite of service. He did not appear, *ex parte* proceedings were taken up against the respondent on 18th December, 1984.

Siri Ram applicant examined himself as AW-I. He supported his claim on oath by saying that he served respondent from January, 1981 to August, 1982. His one month pay used to be Rs. 470, His 17 days pay is due towards respondent. In addition to that Provident Fund Rs. 300 or 400, one month Bonus Rs. 470, Pay in lieu of 15 days leave Rs. 235 is also due towards respondent.

I have heard applicant as well as have perused evidence adduced on the file and think that applicant served the respondent as a Turner @ Rs. 470 per mensem. Absence of respondent from Court in spite of his proper service clearly shows that claim of the applicant is correct. Accordingly,

I order that applicant is entitled to 17 days pay, Provident Fund Rs. 300, Bonus Rs. 470, leave with wages for 15 days i.e. Rs. 235 plus reinstatement from 18th August, 1982 and all other benefits regarding his wages, Bonus etc. upto date as he would have been entitled in the continuous service of respondent. I pass my *ex parte* award regarding the dispute in question accordingly.

V. P. CHAUDHARY,

Dated 15th January, 1985.

Presiding Officer,
Labour Court, Ambala.

Endst. No. 225, dated Ambala City, the 22nd January, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,
Labour Court, Ambala.

No. 9/5/84-6Lab/724.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the management of M/s K. C. Textile Ltd., Pandu Pindara, Jind (Haryana).

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT, AMBALA

(Old Reference No. 37 of 1983)

New Reference No. 133 of 1984

between

SHRI DEVKI NANDAN, WORKMAN AND THE MANAGEMENT OF M/S K. C. TEXTILE LTD.,
PANDU PINDARA, JIND (HARYANA)

Present :

None for the Applicant.
Nemo for the Respondent.

AWARD

The Hon'ble Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section 10 of the Industrial Disputes Act, 1947, referred the following dispute to Presiding Officer, Labour Court, Rohtak between Shri Devki Nandan, workman and the management of M/s. K. C. Textile Ltd., Pandu Pindara, Jind. The terms of the reference are as under :—

Whether the termination of services of Shri Devki Nandan, workman, was justified and in order? If not, to what relief is he entitled?

This reference was received by transfer from the Court of Shri B. P. Jindal, Presiding Officer, Labour Court, Rohtak under the orders of Governor of Haryana. Notices were issued to the parties. Respondent did not appear in spite of service, proceeded *ex parte*. Applicant workman could not be served for want of his fresh address. Registered notice was issued, it received back with the report of postman that Shri Devki Nandan workman is not available at village Pandu Pindara. I do not think any other alternative but to adjourn this reference *sine die* with the observations that as and when applicant shall happens to appear he will be at a liberty to get this reference restored. Accordingly, this reference in hand be filed.

V. P. CHAUDHARY.

Presiding Officer,
Labour Court, Ambala.

Dated the 21st January, 1985.

Endst. No. 229, dated the 22nd January, 1985

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

V. P. CHAUDHARY,
Presiding Officer,
Labour Court, Ambala.